

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

DELANEY AND COMPANY, INC., a Montana)
corporation, and KEN LeCLAIR,)

Plaintiffs,)

v.)

SUNRISE DEVELOPMENT, LLC, a Montana)
limited liability company, CLAIR DAINES,)
individually, and John Does I through X,)

Defendants.)

Cause No. CV-05-56-BU-RFC

ORDER STAYING CASE

SUNRISE DEVELOPMENT, LLC, a Montana)
limited liability company,)

Counterclaim Plaintiff,)

v.)

DELANEY AND COMPANY, INC., a Montana)
corporation, and KEN LeCLAIR, THE)
UNITED STATES OF AMERICA, and John)
Does I through X,)

Counterclaim and)
Third Party Defendants.)

Plaintiffs filed a Motion for Transfer of Venue, requesting that this matter be transferred to the United States District Court for the District of Idaho. Plaintiffs intend to request a referral,

pursuant to 28 U.S.C. § 157, where the case of *In Re WBW, LLC, Debtor*, No. 03-02387 (Bank. D. Idaho) is now pending. The United States does not object to the motion for transfer of venue, but Defendants, Sunrise Development Company and Clair Daines, object to the transfer of venue.

In their Reply Brief in support of their Motion for Transfer of Venue, Plaintiffs alternatively request that proceedings in this matter be stayed due to the fact that the two forums are addressing identical issues, facts and evidence, many of which deal with specific bankruptcy code analysis and issues. In a supplemental brief, Defendants concede that the present action should be stayed pending resolution of the bankruptcy action in Idaho.

Without considering the merits of Plaintiffs' Motion for Transfer of Venue, and due to the consent of all parties to staying this matter, **IT IS HEREBY ORDERED** that this matter is **STAYED** pending resolution of the bankruptcy action in Idaho. The parties shall inform the Court as to any changes in the status of the bankruptcy action in Idaho.

DATED this 4th day of October, 2006.

/s/ Richard F. Cebull
RICHARD F. CEBULL
U.S. DISTRICT COURT JUDGE

cc:
Brian Gallik
Doug James
Amy Howe
George Darragh